

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Biosceptre Pty Ltd
APPLICATION NUMBER: 10/019,356 EXAMINER: Canella, Karen A.
FILING DATE: May 21, 2002 ART UNIT: 1642
FOR: A METHOD FOR IDENTIFYING PRE-NEOPLASTIC AND/OR
NEOPLASTIC STATES IN MAMMALS

Mail Stop Amendment

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES
UNDER 35 U.S.C. §121 AND § 372**

Dear Sir:

This is in response to the Office Action mailed March 18, 2005 for the above identified application. A response was due on April 18, 2005. A one month petition for extension of time is filed herewith.

The Examiner has required restriction of the claims in the present application to one of the following inventions:

Group 1: claim(s) 1-33, drawn to methods of staging and/or diagnosing pre-neoplastic and/or neoplastic states in a mammal, comprising detecting the P2X purinergic receptor profile of cells.

Group 2: claim(s) 34-56, drawn to an isolated mammalian cell or tissue sample complexed with a P2X purinergic receptor-specific antibody reagent, kits comprising components for detection of P2X purinergic receptors, and an antibody reagent for a P2X purinergic receptor.

In response, Applicant hereby elects without traverse the invention of Group 1 encompassed by claims 1-33.

The Examiner also required election for searching purposes only a single disclosed species for prosecution on the merits. Accordingly, Applicants elect the following species: P2X₇, upon which claims 1-6, 8-10, 12, and 14-33 read.

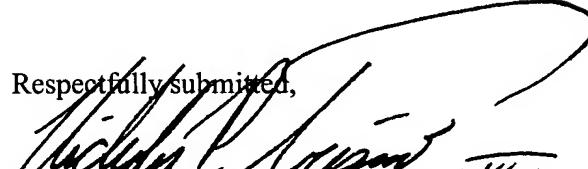
It is Applicant's understanding that this species election is for searching purposes only and upon a finding of allowability of the elected species, the remaining species will also be searched. It is Applicant's further understanding that under 35 U.S.C. §121, upon required election of a single species for prosecution on the merits, the claims will be restricted to said species if no generic claim is finally held allowable. Presently, claims 1-12, 14-29, 31 and 32 are generic. Applicant further understands that upon the allowance of a generic claim, he will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141 *et seq.*

SUMMARY

If a telephone conversation with Applicant's attorney would help expedite the prosecution of this application, the Examiner is invited to call Applicants' attorney at (617) 542-6000.

Please apply any charges not covered, or any credits, to Deposit Account 50-0311, Reference No. 28747-502 NATL.

Respectfully submitted,



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Dated: April 20, 2005

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